Virginia Stationary Source Operating Permit (Title V)

Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Permit Number	**Effective Date**	**Expiration Date**
VA-30877	**September 28, 2001**	**September 28, 2006**

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	CPFilms, Inc.
Mailing Address:	P.O. Box 170 Axton, Virginia 24054
Facility Name:	CPFilms, Inc.-Axton Plant
DEQ Registration No.:	30877
Facility Location:	US Route 58 east of Martinsville near the intersection of State Route 648 in Henry County
AIRS Identification No.:	51-089-0091

Permit Issued: September 28, 2001

Richard F. Weeks, Jr., Regional Director, *for*
Dennis H. Treacy, Director
Department of Environmental Quality

Attachments: Table of Contents, 2 pages
Permit Conditions, 21 pages

CPFilms, Inc. Title V Operating Permit Table of Contents

Part I Facility Information

Permittee	**Facility**
Solutia, Inc.	CPFilms, Inc.-Axton Plant
P.O. Box 66760	P.O. Box 170
St. Louis, MO 63166-66760	Axton, Virginia 24054
Responsible Official	**Contact person**
Ralph E. Sink	James Ketterer
Vice President-Human Resources & Health, Safety and Environmental Affairs	Environmental/Safety Manager
540-627-3000	540-627-3373

VA Registration Number: 30877
AIRS Identification Number: 51-089-0091

Facility Description: 2672 - manufacturer of solar controlled window film

Part II -- Emissions Unit Specific Requirements

A. Insignificant Emission Unit Inventory List

Table IIA.1

Emission Unit No.	Emission Unit Description	Citation (9 VAC_)	Pollutant Emitted (5-80-720 B.)	Rated Capacity (5-80-720 C.)
03	3- propane-fired burners for #5 dye line dryer	5-80-720C(2)	NOx, SO2, CO, VOC, PM-10	1.2 MM Btu/hr (heat input), each
04	3- propane-fired burners for #6 dye line dryer	5-80-720C(2)	NOx, SO2, CO, VOC, PM-10	1.2 MM Btu/hr (heat input), each
05	Modine propane-fired space heaters	5-80-720A(4)	NOx, SO2, CO, VOC, PM-10	0.15 MM Btu/hr (heat input), each
06	Rezor propane-fired space heaters	5-80-720A(4)	NOx, SO2, CO, VOC, PM-10	0.10 MM Btu/hr (heat input), each
07	Trane propane-fired space heaters	5-80-720A(4)	NOx, SO2, CO, VOC, PM-10	4.4 MM Btu/hr (heat input), each
08	6,000-gallon fixed roof fresh ethylene gylcol (EG) storage tank	5-80-720B(2)	VOC	< 5.0 tons/yr
09	6,000-gallon fixed roof fresh n-Methyl Pyrrolidnone (NMP) storage tank	5-80-720B(2)	VOC	< 5.0 tons/yr
10	6,000-gallon fixed roof waste NMP and EG storage tank	5-80-720B(2)	VOC	< 5.0 tons/yr
11	3 - 1000-gallon dye mixing tanks and funnel for #5 dye Line	5-80-720B(2)	VOC	< 5.0 tons/yr
12	2 - 1000 gallon dye mixing tanks and funnel for #6 dye Line	5-80-720B(2)	VOC	< 5.0 tons/yr
13	2 - 6000 gallon waste water storage tanks	5-80-720B(2)	VOC	< 5.0 tons/yr
14	4 - 1000-gallon propane storage tanks	5-80-720B(2)	VOC	< 5.0 tons/yr

B. Significant Emissions Unit Inventory List

1. Process Units

Table IIB.1.1

Emission Unit No.	Stack No.	Emission Unit Description	Manufacturer and Date of Construction	Size/Rated Capacity
01	01	#5 Dye Line, which includes dye bath, wash baths, and dryer	CP Films Design, 1985	48,750 ft^2/hr
02	02	#6 Dye Line, which includes dye bath, wash baths, and dryer	CP Films Design, 1985	48,750 ft^2/hr

2. Pollution Control Equipment

Table II.B.2.1

Stack No./ Emission Unit No.	Control Equipment Description	Manufacturer and Date of Construction	Size/Rated Capacity	Pollutant
01/01	Mist Eliminator with precooler (EG recovery system)	Brinks, 2000	1500 acfm @100°F	VOC
02/02	Mist Eliminator with precooler (EG recovery system)	Brinks, 2000	1500 acfm @100°F	VOC

C. Emission Unit Specific Permit Terms - Limitations - Dye Lines #5 and #6

1. Volatile organic compound (VOC) emissions from each dye bath shall be controlled by a fume capture hood and an ethylene glycol (EG) recovery system (precooler in series with a Brinks mist eliminator). The capture hood and EG recovery system shall be provided with adequate access for inspection and shall be in operation when the respective dye line (Nos. 5 & 6) is operating. (This condition applies to Emission Unit No. / Stack ID No. 01/01 and 02/02)
(9 VAC 5-80-850, Condition No. 3 of permit dated February 27, 2001)

2. The EG recovery system shall demonstrate a control efficiency by stack test of no less than 95% on a mass balance. (This condition applies to Emission Unit No. / Stack ID No. 01/01 and 02/02)
(9 VAC 5-80-850, Condition No. 4 of permit dated February 27, 2001)

3. The exit air temperature from each EG recovery system exhaust stack shall be controlled at 100º F. If the temperature reaches 110º F, the permittee shall take corrective action to return the temperature to 100º F. If the EG recovery system exhaust temperature reaches 120º F, the permittee shall shut down the dye bath until the cause has been corrected and the exhaust temperature can be controlled at 100º F. (This condition applies to Emission Unit No. / Stack ID No. 01/01 and 02/02)
(9 VAC 5-80-850, Condition No. 11 of permit dated February 27, 2001)

4. The minimum pressure drop across the dye bath capture system is -0.25 inches of water (" WC). If the pressure drop is less than -0.25" WC, the operator shall shut down the dye bath until the malfunction has been corrected and the pressure drop is greater than -0.25 " WC. (This condition applies to Emission Unit No. / Stack ID No. 01/01 and 02/02)
(9 VAC 5-80-850, Condition No. 12 of permit dated February 27, 2001)

5. The pressure drop across each Brinks demister shall not be less than 4.0 inches of water (" WC) or be greater than 12.0 " WC. If the pressure drop is outside of the prescribed range, the operator shall shut down the dye bath until the malfunction has been corrected and the pressure drop is greater than is within the prescribed range. (This condition applies to Emission Unit No. / Stack ID No. 01/01 and 02/02)
(9 VAC 5-80-850, Condition No. 13 of permit dated February 27, 2001)

6. Emissions from the operation of each EG recovery system shall not exceed the limits specified below:

Volatile Organic Compounds	14.54 lbs/hr

Exceedance of the operating limits may be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition number II.C. 1 throught II C. 5). (This condition applies to Emission Unit No. / Stack ID No. 01/01 and 02/02)
(9 VAC 5-80-850, Condition No. 15 of permit dated February 27, 2001)

7. The yearly volatile organic compound (VOC) emissions from the film dyeing facility shall not exceed 248.0 tons, calculated monthly as the sum of each consecutive twelve month period. (This condition applies to Emission Unit No. / Stack ID No. 01/01 and 02/02) (9 VAC 5-80-850, Condition No. 16 of the permit dated February 27, 2001)

8. Visible emissions from the EG recovery system exhaust vents, roof vents, and wall vents shall not exceed twenty (20) percent opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A), except during one six-minute period in any one hour in which visible emissions shall not exceed thirty (30) percent opacity. This condition applies at all times except during start-up, shutdown, and malfunction. (This condition applies to Emission Unit No. / Stack ID No. 01/01 and

02/02)
(9 VAC 5-50-20 and 9 VAC 5-50-80, Condition No. 17 of permit dated February 27, 2001)

9. The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to the dye line (Ref. #5 and #6) process and air pollution control equipment:

    a. develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance for the dye line (Ref. #5 and #6) air pollution control equipment.

    b. The permittee shall maintain an inventory of spare parts for air pollution control equipment that are needed to minimize duration of equipment breakdowns which could affect excess emissions.

    c. Have available written operating procedures for equipment. These procedures shall be based on the manufacturer's recommendations, at a minimum.

    d. Train operators in the proper operation of all such equipment and familiarize the operators with the written operating procedures. The permittee shall maintain records of the training provided including the names of trainees, the date of training and the nature of the training.

    (This condition applies to Emission Unit No. / Stack ID No. 01/01 and 02/02)
    (9 VAC 5-50-20, Condition Nos. 14 and 24 of permit dated February 27, 2001)

10. The permitted facility shall be constructed so as to allow for emissions testing upon reasonable notice at any time, using appropriate methods. Test ports shall be provided when requested in accordance with the applicable performance specification (reference 40 CFR Part 60, Appendix B). (This condition applies to Emission Unit No. / Stack ID No. 01/01 and 02/02)
    (9 VAC 5-80-850, Condition No. 19 of permit dated February 27, 2001)

D. Initial Performance testing

1. Initial performance tests shall be conducted for VOCs (as EG) on the inlet and outlet of one EG recovery system to determine compliance with the control efficiency and emission limits contained in Conditions IIC.2 and IIC.6 respectively. The tests shall be performed, reported, and demonstrate compliance within 180 days after the effective date of this permit. Tests shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30. The details of the tests are to be arranged with the West Central Regional Office. (This condition applies to Emission Unit No. / Stack ID No. 01/01 and 02/02)
    (9 VAC 5-50-30 and 9 VAC 5-80-880, Condition No. 20 of permit dated February 27, 2001)

E. Monitoring Systems

1. Each EG recovery system shall be equipped with a device to continuously measure and record exhaust temperature. Each monitoring device shall be installed, maintained, calibrated and operated in accordance with approved procedures which shall include, as a minimum, the manufacturer's written requirements or recommendations. Each monitoring device shall be provided with adequate access for inspection and shall be in operation when each dye line is operating. (This condition applies to Emission Unit No. / Stack ID No. 01/01 and 02/02)
   (9 VAC 5-80-890, Condition No. 5 of permit dated February 27, 2001)

2. Each EG recovery system shall be equipped with a device to continuously measure pressure drop across the Brinks demister. Each monitoring device shall be installed, maintained, calibrated and operated in accordance with approved procedures which shall include, as a minimum, the manufacturer's written requirements or recommendations. Each monitoring device shall be provided with adequate access for inspection and shall be in operation when each dye line is operating. (This condition applies to Emission Unit No. / Stack ID No. 01/01 and 02/02)
   (9 VAC 5-80-890, Condition No. 6 of permit dated February 27, 2001)

3. Each dye bath fume capture hood exhaust duct shall be equipped with a device to continuously measure the pressure drop across the fume capture system. Each monitoring device shall be installed, maintained, calibrated and operated in accordance with approved procedures which shall include, as a minimum, the manufacturer's written requirements or recommendations. Each monitoring device shall be provided with adequate access for inspection and shall be in operation when each dye line is operating. (This condition applies to Emission Unit No. / Stack ID No. 01/01 and 02/02)
   (9 VAC 5-80-890, Condition No. 7 of permit dated February 27, 2001)

F. Reporting

1. Initial performance tests shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30. The details of the tests are to be arranged with the West Central Regional Office. The permittee shall submit a test protocol at least thirty (30) days prior to testing. Two (2) copies of the test results shall be submitted to the West Central Regional Office within 45 days after test completion.
   (9 VAC 5-80-900, Condition No. 20 of permit dated February 27, 2001)

2. The permittee shall submit written reports in accordance with General Condition No.IIIC.3.

(9 VAC 5-80-110 F)

G. Periodic Monitoring

1. The monitoring device used to continuously measure EG recovery system exhaust temperature shall be observed by the permittee with a frequency of not less than once per shift to ensure good performance of the EG recovery system. Each EG recovery system shall be equipped with an audible alarm to alert the operator when the exhaust temperature exceeds 110º F. The permittee shall continuously record measurements from the temperature measurement device. (This condition applies to Emission Unit No. / Stack ID No. 01/01 and 02/02)
   (9 VAC 5-80-890, Condition No. 8 of permit dated February 27, 2001)

2. The monitoring device used to continuously measure pressure drop across each Brinks demister shall be observed by the permittee with a frequency of not less than once per shift to ensure good performance of the EG recovery systems. The permittee shall keep a log of the pressure drop observations from each of the EG recovery system. (This condition applies to Emission Unit No. / Stack ID No. 01/01 and 02/02)
   (9 VAC 5-80-890, Condition No. 9 of permit dated February 27, 2001)

3. The monitoring device used to continuously measure pressure drop across each dye bath capture system shall be observed by the permittee with a frequency of not less than once per shift to ensure good performance of the EG recovery systems. The permittee shall keep a log of the pressure drop observations from each dye bath fume capture hood exhaust duct. (This condition applies to Emission Unit No. / Stack ID No. 01/01 and 02/02)
   (9 VAC 5-80-890, Condition No. 10 of permit dated February 27, 2001)

4. At least one time per calendar week, when each dye line is operating, an observation of the presence of visible emissions shall be made. Visual observations shall consist of a visual survey of the EG recovery system exhaust stacks, roof vents and wall vents over a 2-minute period while the process is operating to identify if there are visible emissions, other than condensed water vapor. If any visible emissions are observed, the permittee shall:

   a. Verify that the equipment and/or control device causing the visible emission is operating according to the manufacturer's specifications or other site-specific acceptable operating conditions. If the equipment or control device is not operating properly, the permittee shall take timely corrective action such that the dye line(s) resumes operation with no visible emissions, or,

   b. Perform a visible emission evaluation (VEE) in accordance with 40 CFR 60, Appendix A, Method 9 to assure visible emissions from the EG recovery system exhaust stacks, roof vents,

and wall vents(s) do not exceed 20 percent opacity. The VEE shall be conducted for a minimum of six minutes. If any of the observations exceed 20 percent, the VEE shall be conducted for a total of 60 minutes. If compliance is not demonstrated by this VEE, timely corrective action shall be taken such that the line resumes operation with visible emissions of 20 percent or less.

The permittee shall maintain a visual observation log for each of the EG recovery system exhaust stacks, roof vents, and wall vents to demonstrate compliance. The log shall include the date and time of the observations, name of the observer, whether or not there were visible emissions, any VEE recordings, and any necessary corrective action.

After completing the weekly visible emissions observations at a given stack or process emission point for a 6-month period without observing any visible emissions, the permittee may extend the requirement for weekly visible emissions observations at that stack or process vent to a schedule of once per month. The once per month observations shall be conducted in accordance with the procedures and requirements described above. In the event that visible emissions are observed from any given stack or process emission point, the corrective action procedures and Method 9 testing described in Condition III.4. a & b above shall be immediately instituted. After correction of the opacity problem, the permittee shall resume weekly visible emission observations at that stack or process emission point. Once weekly visible emissions observations are completed for a 6-month period without observing any visible emissions, a monthly schedule may again be instituted at that stack or process emission point. (This condition applies to Emission Unit No. / Stack ID No. 01/01 and 02/02)

(9 VAC 5-80-110 E.)

H. Recordkeeping

1. Total VOC emissions (E_T), to verify compliance with the ton/yr emissions limitation in Condition IIC.7, shall be calculated each month by summing the emissions of ethylene glycol (E_{EG}) and N-methyl pyrrolidone (E_{NMP}) as follows: (note: $_I$ is either EG or NMP)

    a. Total Usage (U_i, in pounds)

    On the first day of each month, the inventory (I_i) of EG and NMP in tanks and other containers, in pounds, shall be recorded. The receipts (R_i) of EG and NMP, in pounds received by rail, truck, and/or drums shall be totaled for the previous month. The total usage of each chemical (U_i) for each month shall be calculated as the opening inventory (I_{i-o}) on the first day of the previous month, minus the closing inventory (I_{i-c}) on the first day of the current month to obtain the value (T_i), plus the receipts (R_i) during the previous month, per the equation:

    Where

$U_{EG} = R_{EG} + T_{EG}$

$U_{NMP} = R_{NMP} + T_{NMP}$

and

$T_{EG} = I_{EG-O} - I_{EG-C}$

$T_{NMP} = I_{NMP-O} - I_{NMP-C}$

b. Losses to Wastewater (W_i, in pounds)

For each month, the total operating hours of the two dye machines (MH) shall be recorded. The loss to wastewater for each month for both EG and NMP shall be calculated using the total machine operating hours (MH), multiplied by the loss rate (WF_i), in pounds/operating hour for both chemicals. The loss rate (WF_i) shall be based on test data and approved by the DEQ. The loss rate to wastewater for each chemical shall be calculated using the following equation:

$W_{EG} = MH \times WF_{EG}$

$W_{NMP} = MH \times WF_{NMP}$

c. Ethylene Glycol and N-Methyl Pyrrolidone (NMP) Sent Off-Site (P_i, in pounds)

The loss of EG to the NMP tank (for off-site recovery/disposal) shall be calculated each month by using the total dye machine operating hours (MH), multiplied by the loss rate of EG to the NMP tank (PF_{EG}, lbs/hr). The loss rate shall be based on test data and approved by the DEQ. The EG loss to the NMP tank shall be calculated using the following equation:

$P_{EG} = MH \times PF_{EG}$

The spent NMP (contaminated with EG) is sent off-site for disposal and or recovery. The spent NMP (P_{NMP}) shall be reported monthly.

d. Retention on the Dyed Film (F_i, in pounds)

The retention of EG and NMP on the dyed film (F_i) shall be calculated each month by using the total dye machine operating hours (MH) multiplied by the retention rate (FF_i, lbs/hr) in the dyed film. The retention rate (FF_i) of the EG and NMP shall be based on test data and approved by the DEQ. The retention of EG and NMP on the dyed film shall be calculated using the following equation:

$F_{EG} = MH \times FF_{EG}$

$F_{NMP} = MH \times FF_{NMP}$

e. Total VOC Emissions (E_T, pounds)

The total VOC emissions (E_T) shall be calculated each month as the total usage of EG and NMP (U_i), less the total loss to wastewater (W_i), less the total of EG sent off-site (P_{EG}) and NMP sent off-site (P_{NMP}), less the total retention of EG and NMP on the dyed film (F_i). Total VOC emissions are to be calculated using the following equation:

$$E_T = E_{EG} + E_{NMP}, \text{ where}$$

$$E_{EG} = U_{EG} - (W_{EG} + P_{EG} + F_{EG})$$

and

$$E_{NMP} = U_{NMP} - (W_{NMP} + P_{NMP} + F_{NMP})$$

Annual emissions are to be calculated monthly as the sum of each consecutive twelve month period.

f. Control device monitoring records for each EG recovery system's exhaust stack temperature, dye bath fume capture system pressure drop, and demister pressure drop. The operating parameter logs required in Conditions IIG.1, IIG.2, and IIG.3 shall include the date and time, name of the observer, the value of the parameter observed, and any corrective action.

g. Scheduled and unscheduled maintenance, and operator training of the EG recovery systems.

h. Monthly and annual operating hours of each dye line (Ref. Nos. 5 & 6), calculated as the sum of each consecutive 12 month period.

i. Results of all performance tests.

j. the results of the weekly and/or monthly opacity observation of all emissions points and any corrective actions to reduce emissions to normal operating conditions.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years. (This condition applies to Emission Unit No. / Stack ID No. 01/01 and 02/02)
(9 VAC 5-80-890, Condition No. 18 of permit dated February 27, 2001)

Part III Facility-wide and General Requirements

A. Facility-Wide Conditions and Permit Terms

1. **New source standard for visible emissions**
   Unless otherwise specified in this part, on or after the date on which the performance test required to be conducted by 9 VAC 5-50-30 is completed, no owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility (constructed, modified or relocated after March 17, 1972, or reconstructed on or after December 10, 1976) any visible emissions which exhibit greater than 20% opacity, except for one six-minute period in any one hour of not more than 30% opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). Failure to meet the requirements of this section because of the presence of water vapor shall not be a violation of this section.
   (9 VAC 5-50-80 and 9 VAC 5-80-110)
2. **Fugitive Dust Emission Standards**
   During the operation of a stationary source or any other building, structure, facility or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited, to the following:

   a. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;

   b. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles and other surfaces which may create airborne dust; the paving of roadways and maintaining them in a clean condition;

   c. Installation and use of hoods, fans and fabric filters to enclose and vent the handling of dusty materials. Adequate containment methods shall be employed during sandblasting or other similar operations;

   d. Open equipment for conveying or transporting materials likely to create objectionable air pollution when airborne shall be covered, or treated in an equally effective manner at all times when in motion; and

   e. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

   (9 VAC 5-50-90 and 9 VAC 5-80-110)

IV Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of applicability
Not Applicable	Not Applicable	Not Applicable

Nothing in this permit shield shall alter the provisions of § 303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to § 114 of the federal Clean Air Act, (ii) the Board pursuant to § 10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.
(9 VAC 5-80-140)

V General Conditions

A. Federal Enforceability

1. All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9 VAC 5-80-110 N)

B. Permit Expiration

1. This permit shall become invalid five years from the date of issuance. The permittee shall submit an application for renewal of this permit no earlier than 18 months and no later than six months prior to the date of expiration of this permit. Upon receipt of a complete and timely application for renewal, this source may continue to operate subject to final action by the DEQ on the renewal application.
(9 VAC 5-80-110 D and 9 VAC 5-80-80 F)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:

    a. The date, place as defined in the permit, and time of sampling or measurements.

    b. The date(s) analyses were performed.

c. The company or entity that performed the analyses.

d. The analytical techniques or methods used.

e. The results of such analyses.

f. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. (9 VAC 5-80-110 F)

3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.

b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:

(1) Exceedance of emissions limitations or operational restrictions;

(2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,

(3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.

(9 VAC 5-80-110 F)

D. Annual Compliance Certification -

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all

terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to § 114(a)(3) and § 504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.

2. A description of the means for assessing or monitoring the compliance of the source with its emissions limitations, standards, and work practices.

3. The identification of each term or condition of the permit that is the basis of the certification.

4. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the certification period.

5. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.

6. The status of compliance with the terms and conditions of this permit for the certification period.

7. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the West Central Regional Office, within four daytime business hours of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the occurrence, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition XII.C.3. of this permit.

(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

If, for any reason, the affected facilities or related air pollution control equipment fails or malfunctions and may cause excess emissions for more than one hour, the owner shall notify the West Central Regional Office, within four (4) daytime business hours of the occurrence. In addition, the owner shall provide a written statement, within 14 days, explaining the problem, corrective action taken, and the estimated duration of the breakdown/shutdown.
(9 VAC 5-80-250)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9 VAC 5-80-110 G.3)

J. Permit Action for Cause

1. This permit may be modified, revoked, reopened, and reissued, or terminated for cause as specified in 9 VAC 5-80-110 L, 9 VAC 5-80-240 and 9 VAC 5-80-260. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination,

or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
(9 VAC 5-80-110 G.4)

2. Such changes at significant sources, or changes which make an insignificant source a point or area source, that may require a permit modification and/or revisions include, but are not limited to, the following:

   a. Erection, fabrication, installation, addition, or modification of an emissions unit (which is the source, or part of it, which emits or has the potential to emit any regulated air pollutant), or of a source, where there is, or there is the potential of, a resulting emissions increase;

   b. Reconstruction or replacement of any emissions unit or components thereof such that its capital cost exceeds 50% of the cost of a whole new unit;

   c. Any change at a source which causes emission of a pollutant not previously emitted, an increase in emissions, production, throughput, hours of operation, or fuel use greater than those allowed by the permit, or by 9 VAC 5-80-11, unless such an increase is authorized by an emission cap; or any change at a source which causes an increase in emissions resulting from a reduction in control efficiency, unless such an increase is authorized by an emissions cap;

   d. Any reduction of the height of a stack or of a point of emissions, or the addition of any obstruction which hinders the vertical motion of exhaust;

   e. Any change at the source which affects its compliance with conditions in this permit, including conditions relating to monitoring, recordkeeping, and reporting;

   f. Addition of an emissions unit which qualifies as insignificant by emissions rate (9 VAC 5-80-720 B) or by size or production rate (9 VAC 5-80-720 C);

   g. Any change in insignificant activities, as defined by 9 VAC 5-80-90 D.1.a(1) and by 9 VAC 5-80-720 B and 9 VAC 5-80-720 C.

(9 VAC 5-80-110 G, 9 VAC 5-80-110 J, 9 VAC 5-80-240, and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

1. The permittee shall furnish to the board, within a reasonable time, any information that the board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the board along with a claim of confidentiality.
   (9 VAC 5-80-110 G.6)

2. Any document (including reports) required in a permit condition to be submitted to the board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
   (9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-305 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-355.
(9 VAC 5-80-110 H)

N. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
(9 VAC 5-50-20)

O. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80 Article 1.
(9 VAC 5-80-110 J)

P. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.

2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.

3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.

4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

Q. Reopening For Cause

The permit shall be reopened by the board if additional federal requirements become applicable to a major source with a remaining permit term of three or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

2. The permit shall be reopened if the administrator or the board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

3. The permit shall not be reopened by the board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

R. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.
(9 VAC 5-80-150 E)

S. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)

2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200. (9 VAC 5-80-160)

3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

T. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with

technology-based emission limitations if the conditions of paragraph 2 are met.

2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:

   a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.

   b. The permitted facility was at the time being properly operated.

   c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.

   d. The permittee notified the board of the malfunction within two working days following the time when the emissions limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, telegraph, or any other method that allows the permittee to comply with the deadline. The notice fulfills the requirement of 9 VAC 5-80-110 F.2. b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirements under 9 VAC 5-20-180 C.

3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source. (9 VAC 5-80-250)

U. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The board may suspend, under such conditions and for such period of time as the board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-260)

V. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit. (9 VAC 5-80-80 E)

W. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substance subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A - F)

X. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined under 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)

Y. Changes to Permits for Emissions Trading

No permit revision shall be required, under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-110 I)

Z. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110 except subsection N shall be included to determine compliance.

2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.

3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)

VI State-Only Enforceable Requirements

The State Only requirements in the State Operating Permit dated February 27, 2001 have not been included in the Title V permit at the request of the permittee.